

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2926

House Bill No. 2598*

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by deleting the following from the amendatory language in SECTION 1:

(a) There shall not be a mandatory age requirement for any member of the Tennessee consolidated retirement system, except for the following:

(1) any member employed as a state police officer, wildlife officer, or a commissioned member of the alcoholic beverage commission; provided that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. Such members shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age; and

(2) any member employed as a firefighter or police officer with a political subdivision participating in the Tennessee consolidated retirement system which has adopted a mandatory retirement age requirement pursuant to this subdivision (a) (2); provided that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. Any political subdivision participating in the retirement system may establish a mandatory retirement age requirement for all its firefighters and police officers; provided that:

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(A) the terms and conditions of the requirement shall be the same for all firefighters and police officers within its employ;

(B) the mandatory age requirement shall not be less than fifty-five (55) years of age;

(C) each firefighter and police officer shall be retired on the first day of the month following the month in which the firefighter or police officer attains the age requirement established by the political subdivision;

(D) if the mandatory age requirement established by the political subdivision is less than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act (42 U.S.C. §§ 401-425), each firefighter and police officer shall be entitled to the supplemental bridge benefit established pursuant to § 2 of this act; and

by substituting instead the following:

(a) There shall not be a mandatory age requirement for any member of the Tennessee consolidated retirement system, except for the following:

(1) Members who are employed as state police officers, wildlife officers or commissioned members of the alcoholic beverage commission and who are engaged in law enforcement activities on a day-to-day basis, or who have been transferred from such activities to a supervisory or administrative position within

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the same department or agency for which they served as state police officers, wildlife officers or commissioned members of the alcoholic beverage commission; provided that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. A mandatory age requirement shall also apply for members who are employed with the wildlife resources agency as commissioned wildlife area managers, commissioned wildlife lake managers, commissioned boating chiefs, commissioned boating assistant chiefs, commissioned wildlife safety officers, commissioned habitat biologists, commissioned enforcement chiefs or commissioned assistant enforcement chiefs; provided that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. In cases of doubt, the Tennessee department of personnel shall determine whether the member is employed in a position requiring the mandatory retirement of such member under the provisions of this subsection (a)(1). In making any such determination, the department shall apply the applicable definitions contained in chapters 34-37 of this title and in the Age Discrimination in Employment Act. Any member employed in a position requiring mandatory retirement under the provisions of this subsection shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age; and

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(2) A mandatory age requirement shall also apply for members who are employed as firefighters or police officers with a political subdivision participating in the Tennessee consolidated retirement system, or who have been transferred from such a position to a supervisory or administrative position within the police or fire department; provided the political subdivision has adopted a mandatory retirement age requirement pursuant to this subdivision (a)(2) and provided that the mandatory retirement of any such member does not violate the Age Discrimination in Employment Act. In cases of doubt, the respective political subdivision shall determine whether the member is employed in a position requiring the mandatory retirement of such member under the provisions of this subsection (a)(2). In making any such determination, the political subdivision shall apply the applicable definitions contained in chapters 34-37 of this title and in the Age Discrimination in Employment Act. Any political subdivision participating in the retirement system may establish a mandatory retirement age requirement for all its firefighters and police officers and for all its employees who have been transferred from the position of a firefighter or police officer to a supervisory or administrative position within the police or fire department; provided that:

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(A) the terms and conditions of the requirement shall be the same for all such employees within its employ;

(B) the mandatory age requirement shall not be less than sixty (60) years of age;

(C) each such employee shall be retired on the first day of the month following the month in which the employee attains the age requirement established by the political subdivision;

(D) if the mandatory age requirement established by the political subdivision is less than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act (42 U.S.C. §§ 401-425), each such employee shall be entitled to the supplemental bridge benefit established pursuant to § 2 of this act; and

by adding the following as a new subdivision (a)(3) to the amendatory language in SECTION 1:

(3)(A) Notwithstanding any provision of this section to the contrary, any member employed in a position requiring mandatory retirement under the provisions of subdivision (a)(1) of this section shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age, unless the Tennessee department of personnel determines that such

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member serves in a supervisory or administrative position which requires less than fifty percent (50%) of the member's duties to be involved in day-to-day law enforcement activities. Upon such determination by the department of personnel, the member may continue in service until the first day of the month following the month in which the member attains sixty-two (62) years of age; provided such member signs a consent form whereon the member acknowledges that by continuing in service the member forfeits any rights to retirement benefits, including the supplemental bridge benefit provided for in § 2 of this act, during the period of the member's continued service. Such form must be filed with the retirement division on or before the first day of the month prior to the month in which the member attains sixty (60) years of age. Any such member who fails to file the form at the time and in the manner prescribed by this subdivision shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age.

(B) Notwithstanding any provision of this section to the contrary, any member employed in a position requiring mandatory retirement under the provisions of subdivision (a)(2) of this section shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age, unless the respective political subdivision determines that such member

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serves in a supervisory or administrative position which requires less than fifty percent (50%) of the member's duties to be involved in day-to-day law enforcement or fire fighting activities. Upon such determination by the respective political subdivision, the member may continue in service until the first day of the month following the month in which the member attains sixty-two (62) years of age; provided such member signs a consent form whereon the member acknowledges that by continuing in service the member forfeits any rights to retirement benefits, including the supplemental bridge benefit provided for in § 2 of this act, during the period of the member's continued service. Such form must be filed with the retirement division on or before the first day of the month prior to the month in which the member attains sixty (60) years of age. Any such member who fails to file the form at the time and in the manner prescribed by this subdivision shall be retired on the first day of the month following the month in which the member attains sixty (60) years of age.

by deleting the following from the amendatory language in SECTION 2:

8-36-____. Supplemental Bridge Benefit. (a) Any Group 1 member who retires on a service or early service retirement allowance pursuant to § 8-36-201 or § 8-36-301 with creditable service as a Group 1 state police officer, Group 1 wildlife officer, or as a commissioned member of the alcoholic beverage

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commission shall receive, in addition to his or her service retirement allowance, a supplemental bridge benefit calculated as follows:

(1) For any such member retiring on a service retirement allowance pursuant to § 8-36-201, the supplemental bridge benefit shall be equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the member was a Group 1 state police officer, Group 1 wildlife officer, or as a commissioned member of the alcoholic beverage commission; or

by substituting instead the following:

8-36-____. Supplemental Bridge Benefit. (a) Any Group 1 member who retires on a service retirement allowance on or after the attainment of age sixty (60) with creditable service in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(1) shall receive, in addition to his or her service retirement allowance, a supplemental bridge benefit calculated as follows:

(1) For any such member retiring on a service retirement allowance pursuant to § 8-36-201, the supplemental bridge benefit shall be equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the

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member was in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(1); or

by deleting the following from the amendatory language in SECTION 2:

(b) A supplemental bridge benefit shall further be paid to any Group 1 member who retires on a service or early service retirement allowance pursuant to § 8-36-201 or § 8-36-301 with creditable service as a Group 1 firefighter or Group 1 police officer if the political subdivision for which the service was rendered adopts a mandatory retirement age requirement pursuant to § 8-36-205. The supplemental benefit shall only be paid if the mandatory retirement age requirement adopted by the political subdivision is fifty-five (55) years of age or older, but less than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act. The supplemental benefit shall be calculated as follows:

(1) For any such member retiring on a service retirement allowance pursuant to § 8-36-201, the supplemental bridge benefit shall be equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the member was a Group 1 firefighter or Group 1 police officer with the political subdivision; or

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by substituting instead the following:

(b) A supplemental bridge benefit shall further be paid to any Group 1 member who retires on a service retirement allowance on or after the attainment of age sixty (60) with creditable service in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2) if the political subdivision for which the service was rendered adopts a mandatory retirement age requirement pursuant to § 8-36-205. The supplemental benefit shall only be paid if the mandatory retirement age requirement adopted by the political subdivision is sixty (60) years of age or older, but less than the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act. The supplemental benefit shall be calculated as follows:

(1) For any such member retiring on a service retirement allowance pursuant to § 8-36-201, the supplemental bridge benefit shall be equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the member was in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2); or

by deleting the amendatory and directory language of SECTION 3 in its entirety and by renumbering the existing SECTIONS accordingly.

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